



PATENT  
Atty. Docket No.: AVALUC-01800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Group Art Unit: 2151  
Louis Bouchard et al. ) Examiner: Phillips, Hassan A  
Serial No.: 09/842,747 )  
Filed: April 25, 2001 )  
For: **MAILBOX ACCESS** )  
**MECHANISM OVER LOW-** )  
**BANDWIDTH, HIGH-LATENCY** )  
**WIRELESS NETWORKS** )  
\_\_\_\_\_  
Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

162 N. Wolfe Rd.  
Sunnyvale, CA 94086  
(408) 530-9700

Customer No. 28960

Sir:

In furtherance of patent owner's Notice of Appeal filed on June 21, 2005, an Appeal Brief is submitted herewith in triplicate. This Appeal Brief is written in support of the patent owner's Notice of Appeal filed on June 21, 2005, and further pursuant to the rejection mailed on January 27, 2005 (Final Office Action of same date), and mailed on April 11, 2005 (Advisory Action of same date).

Claims 1-24 have been rejected. The appellant submits this brief to the Board of Patent Appeals and Interferences in compliance with the requirements of 37 C.F.R. § 41.37, as stated in *Rules of Practice Before the Board of Patent Appeals and Interferences (Final Rule)*, 69 Fed. Reg. 49959 (August 12, 2004). The appellant contends that the rejection of Claims 1-24 in this pending application is in error and is overcome by this appeal.

**I. REAL PARTY IN INTEREST**

As the assignees of the entire right, title and interest in the above-captioned patent application, the real parties in interest in this appeal are the following parties:

Avaya Technologies Corp.  
211 Mount Airy Road  
Basking Ridge, New Jersey 07920

per the assignment document recorded on March 21, 2002, at reel number 012707 and frame number 0562.

**II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences related to the present patent application of which appellant is aware.

**III. STATUS OF CLAIMS**

Claims 1-24 are pending within this application. Claims 1-24 stand rejected under 35 U.S.C. § 103(a).

The rejections of Claims 1-24 are being appealed.

**IV. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the Advisory Action of April 11, 2005. The present condition of the claims is as listed in the Amendment and Response to Office Action filed on October 21, 2004.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

The elements of Claim 1, directed to one embodiment of the present invention, are described in the Present Specification on page 3, line 29 to page 4, line 20, and the accompanying Figure 2. Claim 1 is directed to a method of utilizing a push model to provide access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The claimed method steps are directed to the system illustrated in Figure 2. The method includes the steps of automatically receiving an updated mailbox content list from a server 20 through a wireless network 30, and scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device 24. The method also includes the step

of forming a communication link through the wireless network 30, thereby linking the wireless device 24 and the server 20. The method also includes the steps of selectively receiving the message on the wireless device 24 from the server 20 over the communication link, and providing the message to a user.

The elements of Claim 7, directed to another embodiment of the present invention, are described in the Present Specification on page 3, line 29 to page 4, line 20, and the accompanying Figure 2. Claim 7 is directed to system for providing access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network 30. The system comprises a wireless device 24, a server 20, and a wireless network 30. The wireless network 30 links the wireless device 24 with the server 20 such that in operation an updated mailbox content list is automatically sent over the wireless network 30 from the server 20 to the wireless device 24. After being sent by the server 20 a message from the updated mailbox content list received by the wireless device 24 is selected using the wireless device 24 thereby forming a communication link between the wireless device 24 and the server 20 over the wireless network 30. The selected message is sent to the wireless device 24 over the communication link.

The elements of Claim 14, directed to another embodiment of the present invention, are described in the Present Specification on page 3, line 29 to page 4, line 20, and the accompanying Figure 2. Claim 14 is directed to a method of providing access to a message list in one or more of a voice, a fax, an e-mail or a unified mailbox through a wireless network 30. The method includes the steps of automatically receiving through a wireless network 30 a new message notification and an updated mailbox content list from a server 20, and remotely scrolling through the updated mailbox content list and selecting a message therefrom using a wireless device 24. The method also includes the steps of forming a communication link between the wireless device 24 and the server 20, and receiving the message on the wireless device 24 from the server 20 over the communication link and presenting the message.

The elements of Claim 19, directed to another embodiment of the present invention, are described in the Present Specification on page 3, line 29 to page 4, line 20, and the accompanying Figure 2. Claim 19 is directed to a system for providing access to a message list in one or more of a voice, a fax or a unified mailbox through a wireless network 30. The system includes means for automatically receiving an updated mailbox content list from a server 20 through a wireless network 30. The means for automatically receiving, as set forth in the Present Specification, page 3, line 28 to page 4, line 5, includes a push technology by which the server 20 sends or "pushes" the updated mailbox list over the wireless network 30 to a wireless device 24. The updated mailbox list is stored on the wireless device 24. The system also includes means for

scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device 24. The means for scrolling, as set forth in the Present Specification, page 3, lines 8-17, page 3, lines 31-33, and page 4, lines 2-9, includes a WAP-enabled phone, personal digital assistant, a personal computer, a laptop, a wireless device, and a wireless device with data display technology. The system also includes means for forming a communication link through the wireless network 30 thereby linking the wireless device 24 and the server 20. The means for forming a communication link, as set forth in the Present Specification, page 4, lines 9-11 and 22-25, includes the wireless device 24 sending a command to the server 20 over the wireless network 30 either by placing a telephone call or establishing a data network session. The system also includes means for selectively receiving the message, the message received on the wireless device 24 from the server 20 over the communication link 30. The means for selectively receiving, as set forth in the Present Specification, page 4, lines 11-16, includes either the server 20 playing the message to the wireless device 24 over the wireless network 30, where the server 20 may use a text-to-speech engine to convert textual information into an audible form, or sending the requested message over the wireless network 30 to the wireless device 24, where the user may then either view or listen to the selected message using the wireless device 24.

## VI. ISSUES

The issues presented by the appellant for review by the Board of Patent Appeals and Interferences are as follows:

1. Whether the Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,586 issued to Cloutier et al. (hereinafter “Cloutier”) in view of U.S. Patent No. 6,289,212 issued to Stein et al. (hereinafter “Stein”).
2. Whether the Claims 3, 8, 15, and 21 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art.

## VII. ARGUMENT

### A. Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 are Patentable over Cloutier in view of Stein

Within the Office Action, Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein.

Cloutier teaches a system to provide messaging services to alert a message service subscriber to the receipt of a high priority message and to provide the remote retrieval thereof. An email server 110 stores email messages received over the internet 130 (Cloutier, col. 1, lines 26-27). A messaging system server 120 provides access to the email server 110 via the internet 130 such that notification of high priority email messages received on the email server 110 are provided by transmitting a wireless message to a wireless device 170 used by the subscriber (Cloutier, col. 3, lines 62-66). The messaging system server 120 periodically polls the email server 110 for new messages, and if a new message is received, then a unique message code corresponding to the new message is generated by the messaging system server 120 (Cloutier, col. 4, line 63 to col. 5, line 4). The unique message code is sent from the messaging system server 120 to the wireless device 170 used by the subscriber (Cloutier, col. 5, lines 17-22). To retrieve the new message, the subscriber accesses the messaging system server 120 using an access device 190 connected via a user interface 140 (Cloutier, col. 4, lines 26-38).

Stein teaches a system to provide email services across a network. A mobile device 200 is coupled to a network gateway 106 via a wireless network 108. The network gateway 106 is coupled to a mail server 110. The mobile device 200 is used to perform email functions associated with the mail server 110. In order to perform these functions, the mobile device 200 must first download corresponding resources from the mail server 110 to the mobile device memory 204. These resources include email message lists, contents of the messages, menu and data entry screens (Stein, col. 8, lines 3-7). These resources need to be requested by the mobile device 200 before they are downloaded from the mail server 110 (Stein, col. 7, lines 12-36; col. 8, lines 13-16). In other words, Stein teaches that a message content list (the email message list) is requested by the mobile device 200 and provided by the mail server 110, otherwise known as “pull” technology, since the mobile device 200 must specifically request the resource from the mail server 110.

The present invention is directed to a push model access mechanism which can provide visual access to a voice, a fax or an e-mail (unified) mailbox through a wireless network 30. The push model utilizes a wireless messaging bearer to send an updated mailbox content list as a notification message. A data-capable wireless device 24 receives the new message notification and stores the updated mailbox content list from the messaging server 20. The wireless device 24 is configured to allow the user to scroll through the updated mailbox content list. This step can be performed without accessing the wireless network 30. Lastly, the user issues a command to the server 20 using the wireless device 24 prompting the server 20 to send a specific message back to the wireless device 24 to be played or viewed by the user.

The appellant contends that Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 are patentable over Cloutier in view of Stein for at least the following reasons:

1. The proposed combination does not result in the system and method as claimed. Within the Office Action mailed on January 1, 2005 (hereafter "Office Action"), on page 5, paragraphs (a) and (b), Cloutier is cited specifically for teaching "a) automatically receiving a message from a server 120 through a wireless network and viewing the alert on a wireless device 170....b) forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user." (Emphasis added) However, the present claims, specifically claim 7, element c, teach that a wireless device receives an automatically sent updated mailbox content list, the wireless device is then used to select a message from the received mailbox content list, and the selected message is sent to the wireless device, all over a wireless network. Due to the antecedent basis of "the wireless device" in the present claims, it is clear that a single wireless device receives the mailbox content list, selects a message from the received mailbox content list, and also receives the selected message. As quoted above, it is stated within the Office Action that "a wireless device 170" of Cloutier automatically receives a message alert, and that "the wireless device" receives a message and provides the message to the user, thereby indicating that Cloutier teaches the same wireless device receiving the message alert and receiving the message. However, this conclusion is in direct conflict with the teachings of Cloutier.

Cloutier teaches that when a high-priority email arrives on an email server 110, a messaging system server 120 generates and transmits a message alert over a wireless network 180 to a wireless device 170. Each message alert includes a message code corresponding to a specific high-priority email received on the email server 110. The message code is to be subsequently used by the subscriber to access the specific email. However, in the embodiment that includes a wireless device, Cloutier teaches that the subscriber does not use the wireless device 170 to access the email server 110 and to retrieve the specific email. Instead, Cloutier teaches that the subscriber uses an access device 190 to communicate with the messaging system server 120 to retrieve the specific email (Cloutier, Figure 1; col. 3, lines 22-28; col. 3, line 62 to col. 4, line 3). Cloutier further teaches that the server 120 then provides the specific email corresponding to the message code to the access device 190 (Cloutier, col. 4, lines 26-32). Cloutier does not teach that the specific email is received on the wireless device, where the wireless device is the same wireless device that receives the message alert.

Within the Office Action, on page 5, paragraph (c), Stein is cited for receiving a mailbox

content list from a server over a wireless network, scrolling through the mailbox content list with a wireless device, and selecting a message with the wireless device. It is also stated on page 3, last paragraph, of the Office Action that given the teachings of Stein, it would have been obvious to modify the teachings of Cloutier to receive the selected messages over a wireless network. However, even if such a modification were possible, which the Applicants do not believe to be the case, such a proposed combination still relates to modifying the communication network between the access device 190 and the messaging system server 120 of Cloutier to a wireless network. Regardless of the nature of the communication network between the access device 190 and the server 120, the proposed combination of Cloutier and Stein requires a first device (access device 190) for receiving the message, where the first device is necessarily different than a second device (wireless device 170) for receiving the message alert. As such, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives a message alert from a server and also receives a message specified in the message alert from the server.

2. The proposed combination of Cloutier in view of Stein does not result in a viably functioning system because there is no hint, teaching, or suggestion within Cloutier that indicates the messaging system server 120 (of Cloutier) is capable of providing an updated mailbox content list to a wireless device, as proposed. The messaging system server 120 of Cloutier, upon detecting a new, high-priority message on the remote email server 110, generates a unique message code, which is formatted as a message alert and sent to the wireless device 170. Even if the communication medium of Cloutier is modified to the wireless network of Stein, as proposed in the Office Action, the modified system still must include the messaging system server 120. As the messaging system server 120 is specifically designed to notify a subscriber of any high-priority messages, it is required that the messaging system server 120 filters all email received by the remote email server 110 in order to detect any high priority messages. Once such a message is detected, the messaging system server 120 generates the message code unique to the detected, high-priority message. It is this message code that is included within the message alert and ultimately sent by the messaging system server 120 to the wireless device 170. Cloutier very specifically teaches that the function of the messaging system server 120 is to filter for specific messages (e.g. high-priority messages), generate the message code unique to each specific message, and transmit the message alert that includes the message code. There is no hint, teaching, or suggestion within Cloutier that indicates the function of the messaging system server 120 can be modified to obtain a mailbox content list from the remote email server 110, generate

an updated mailbox content list, and transmit the updated mailbox content list to the wireless device 170, as proposed.

3. The proposed combination of Cloutier in view of Stein does not result in a viably functioning system because the mailbox content list of Stein is obtained by a wireless device using pull technology, but the message alert of Cloutier, which the mailbox content list is proposed to replace, functions according to push technology. Cloutier teaches that the messaging system server 120 monitors the receipt of new email messages on the remote email server 110 (Cloutier, col. 2, lines 31-32). When the messaging system server 120 detects a new, high-priority message, a message alert is generated and sent to the wireless device 170. The wireless device 170 does not make a request to the messaging system server 120, or to the remote email server 110, to send a message alert. Such a request does not make any sense as the wireless device 170 is not monitoring the remote email server 110 for receipt of new email messages.

In contrast, Stein teaches that the mobile device 200 must specifically make a request for any of the resources offered by the mail server 110 (Stein, col. 7, lines 14-31; col. 8, lines 13-16). Within the Office Action, it is stated in page 5, paragraph (c) and the last paragraph, that the message alert of Cloutier can be replaced by the mailbox content list of Stein. However, it is beyond the teachings of either Cloutier or Stein as to how such modifications are to be made in order to accommodate such a combination, if such a combination is even possible, since the message alert is provided by the messaging system server 120 (Cloutier) using push technology, and the mailbox content list of Stein requires a request (pull technology) from the mobile device 200.

Claims 1, 2, and 4-6

The independent Claim 1 is directed to a method of utilizing a push model to provide access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The method includes automatically receiving an updated mailbox content list from a server through a wireless network, scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, forming a communication link through the wireless network thereby linking the wireless device and the server, selectively receiving the message, the message received on the wireless device from the server over the communication link, and providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content

list via the server. Further, the proposed combination of Cloutier in view of Stein does not result in a viably functioning system because there is no hint, teaching, or suggestion within Cloutier that indicates the messaging system server (of Cloutier) is capable of providing an updated mailbox content list to a wireless device, as proposed. Still further, the proposed combination of Cloutier in view of Stein does not result in a viably functioning system because the mailbox content list of Stein is obtained by a wireless device using pull technology, but the message alert of Cloutier, which the mailbox content list is proposed to replace, functions according to push technology. For at least these reasons, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein.

Claims 2 and 4-6 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 2 and 4-6 are each also allowable as being dependent upon an allowable base claim.

Claim 7 and 9-13

The independent Claim 7 is directed to a system for providing access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The system includes a wireless device, a server, and a wireless network linking the wireless device with the server such that in operation an updated mailbox content list is automatically sent over the wireless network from the server to the wireless device and after being sent by the server a message from the updated mailbox content list received by the wireless device is selected using the wireless device thereby forming a communication link between the wireless device and the server over the wireless network, and the selected message is sent to the wireless device over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. Further, the proposed combination of Cloutier in view of Stein does not result in a viably functioning system because there is no hint, teaching, or suggestion within Cloutier that indicates the messaging system server (of Cloutier) is capable of providing an updated mailbox content list to a wireless device, as proposed. Still further, the proposed combination of Cloutier in view of Stein does not result in a viably functioning system because the mailbox content list of Stein is obtained by a wireless device using pull technology, but the message alert of Cloutier, which the mailbox content list is proposed to replace, functions according to push technology. For at least these reasons, the independent Claim 7 is allowable over the teachings of Cloutier in view of

Stein.

Claims 9-13 are each dependent upon the independent Claim 7. As discussed above, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 9-13 are all also allowable as being dependent upon an allowable base claim.

Claims 14 and 16-18

The independent Claim 14 is directed to a method of providing access to a message list in one or more of a voice, a fax, an e-mail or a unified mailbox through a wireless network. The method includes automatically receiving through a wireless network a new message notification and an updated mailbox content list from a server, remotely scrolling through the updated mailbox content list and selecting a message therefrom using a wireless device, forming a communication link between the wireless device and the server, and receiving the message, the message received on the wireless device from the server over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. Further, the proposed combination of Cloutier in view of Stein does not result in a viably functioning system because there is no hint, teaching, or suggestion within Cloutier that indicates the messaging system server (of Cloutier) is capable of providing an updated mailbox content list to a wireless device, as proposed. Still further, the proposed combination of Cloutier in view of Stein does not result in a viably functioning system because the mailbox content list of Stein is obtained by a wireless device using pull technology, but the message alert of Cloutier, which the mailbox content list is proposed to replace, functions according to push technology. For at least these reasons, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein.

Claims 16-18 are all dependent upon the independent Claim 14. As discussed above, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 16-18 are all also allowable as being dependent upon an allowable base claim.

Claims 19, 20, and 22-24

The independent Claim 19 is directed to a system for providing access to a message list in one or more of a voice, a fax or a unified mailbox through a wireless network. The system includes means for automatically receiving an updated mailbox content list from a server through a wireless network, means for scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, means for forming a communication link through the

wireless network thereby linking the wireless device and the server, means for selectively receiving the message, the message received on the wireless device from the server over the communication link, and means for providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. Further, the proposed combination of Cloutier in view of Stein does not result in a viably functioning system because there is no hint, teaching, or suggestion within Cloutier that indicates the messaging system server (of Cloutier) is capable of providing an updated mailbox content list to a wireless device, as proposed. Still further, the proposed combination of Cloutier in view of Stein does not result in a viably functioning system because the mailbox content list of Stein is obtained by a wireless device using pull technology, but the message alert of Cloutier, which the mailbox content list is proposed to replace, functions according to push technology. For at least these reasons, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein.

Claims 20 and 22-24 are all dependent upon the independent Claim 19. As discussed above, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 20 and 22-24 are all also allowable as being dependent upon an allowable base claim.

**B. Claims 3, 8, 15, and 21 are Patentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art**

Within the Office Action, Claims 3, 8, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art.

Applicants agree that low data-bandwidth and high data latency networks are known in the art. However, the Applicants do not agree that the methods of Claims 1 and 14, and the systems of Claims 7 and 19, including a low data bandwidth, high data latency wireless network, as claimed in dependent Claims 3, 8, 15, and 21, are well known in the art.

Further, Claim 3 is dependent on the independent Claim 1. Claim 8 is dependent on the independent Claim 7. Claim 15 is dependent on the independent Claim 14. Claim 21 is dependent on the independent Claim 19. As discussed above, the independent Claims 1, 7, 14, and 19 are each allowable over Cloutier in view of Stein. As such, the dependent Claims 3, 8, 15, and 21 are each also allowable as being dependent on an allowable base claim.

**C. CONCLUSION**

It is therefore respectfully submitted that Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 are allowable over the teachings of Cloutier in view of Stein, and that Claims 3, 8, 15, and 21 are allowable over the teachings of Cloutier in view of Stein and further in view of Applicants Admitted Prior Art. Therefore, a favorable indication is respectfully requested.

**VIII. APPENDIX**

**Claims Under Appeal**

1. A method of utilizing a push model to provide access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network, the method comprising the steps of:
  - a. automatically receiving an updated mailbox content list from a server through a wireless network;
  - b. scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device;
  - c. forming a communication link through the wireless network thereby linking the wireless device and the server;
  - d. selectively receiving the message on the wireless device from the server over the communication link; and
  - e. providing the message to a user.
2. The method of Claim 1 further comprising a new message notification, including the updated content list.
3. The method of Claim 1 wherein the wireless network has a low data-bandwidth and a high data-latency.
4. The method of Claim 1 further comprising the step of the user scrolling through the updated mailbox content list without accessing the wireless network.

5. The method of Claim 1 further comprising the step of the user issuing a command using the wireless device.
6. The method of Claim 1 further comprising the step of the server playing the message according to a command given by the user.
7. A system for providing access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network comprising:
  - a. a wireless device;
  - b. a server; and
  - c. a wireless network linking the wireless device with the server such that in operation an updated mailbox content list is automatically sent over the wireless network from the server to the wireless device and after being sent by the server a message from the updated mailbox content list received by the wireless device is selected using the wireless device thereby forming a communication link between the wireless device and the server over the wireless network, and the selected message is sent to the wireless device over the communication link.
8. The system of Claim 7 wherein the wireless network has a low data bandwidth and a high data latency.
9. The system of Claim 7 wherein the updated mailbox content list includes a new message notification.
10. The system of Claim 9 wherein after being sent by the server, the new message notification and the updated content list can be viewed by a user with the wireless device.

11. The system of Claim 10 wherein the user may scroll through the updated mailbox content list with the wireless device.
12. The system of Claim 7 wherein a user selects the message by issuing a command to the server.
13. The system of Claim 12 wherein the server delivers the message selected by the user and the message is played for the user by the wireless device.
14. A method of providing access to a message list in one or more of a voice, a fax, an e-mail or a unified mailbox through a wireless network, the method comprising the steps of:
  - a. automatically receiving through a wireless network a new message notification and an updated mailbox content list from a server;
  - b. remotely scrolling through the updated mailbox content list and selecting a message therefrom using a wireless device;
  - c. forming a communication link between the wireless device and the server; and
  - d. receiving the message on the wireless device from the server over the communication link and presenting the message.
15. The method of Claim 14 wherein the wireless network has a low data-bandwidth and a high data-latency.
16. The method of Claim 14 further comprising the step of a user scrolling through the updated mailbox content list without accessing the data network.

17. The method of Claim 14 further comprising the step of a user issuing a command using the wireless device.
18. The method of Claim 14 further comprising the step of the server playing the message according to a command given by the user.
19. A system for providing access to a message list in one or more of a voice, a fax or a unified mailbox through a wireless network, the system comprising:
  - a. means for automatically receiving an updated mailbox content list from a server through a wireless network;
  - b. means for scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device;
  - c. means for forming a communication link through the wireless network thereby linking the wireless device and the server;
  - d. means for selectively receiving the message, the message received on the wireless device from the server over the communication link; and
  - d. means for providing the message to a user.
20. The system of Claim 19 wherein a new message notification includes the updated mailbox content list.
21. The system of Claim 19 wherein the wireless network has a low bandwidth and a high latency.
22. The system of Claim 19 wherein the user scrolls through the updated mailbox content list without accessing the wireless network.

23. The system of Claim 19 wherein the user issues a command using the wireless device.
24. The system of Claim 19 wherein the server plays the message according to a command given by the user.

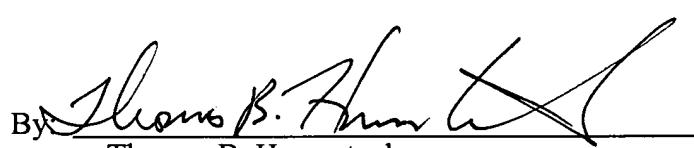
**X. ATTACHMENTS**

The following documents, which are part of the record, are attached for convenience:

1. U.S. Patent No. 6,535,586 to Cloutier et al.
2. U.S. Patent No. 6,289,212 to Stein et al.
3. The January 27, 2005 Final Office Action.
4. The March 25, 2005 Amendment and Response to Final Office Action.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 8-18-05

By   
Thomas B. Haverstock  
Reg. No. 32,571  
Attorneys for Applicants

**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

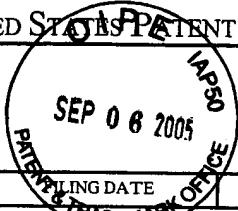
HAVERSTOCK & OWENS LLP.

Date: 8-18-05 By 

# ATTACHMENTS



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

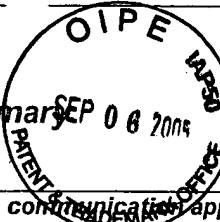


APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,747	04/25/2005	Louis Bouchard	AVALUC-01800	7367
28960	7590	01/27/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			PHILLIPS, HASSAN A	
		ART UNIT	PAPER NUMBER	
		2151		

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SEARCHED INDEXED  
JAN 28 2005

**Office Action Summary**

Application No.

09/842,747

Applicant(s)

BOUCHARD, LOUIS

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 October 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/1/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to amendments filed on October 25, 2004.

### ***Specification***

2. After consideration of the amendments made to the specification to include double spaced lines, the Examiner has withdrawn the objection to the specification.

### ***Claim Rejections - 35 USC § 112***

3. After consideration of the amendments made to claims 5, 10-13, 17, and 24 to correct antecedent basis issues, the Examiner has withdrawn the rejections of the claims under 35 USC 112.

### ***Response to Arguments***

4. Applicant's arguments filed October 25, 2004 have been fully considered but they are not persuasive. Applicant argued that Cloutier and Stein do not teach:
  - a) Using a wireless device to select a message from a mailbox content list;
  - b) Receiving the selected message on the wireless device.
  - c) Receiving the selected message over a wireless network.

Examiner respectfully submits that Applicant has misinterpreted the prior art of record.

Regarding item a), in col. 3, lines 24-32, Stein teaches: “As a method for **interacting with electronic mail messages on a mobile device**, the mobile device being able to connect to a remote mail server through a wireless data network, an embodiment of the invention includes: ...**selecting one of the entries** of the electronic mail list being displayed on the display screen of the mobile device...” Thus, it is clear that the teachings of Stein provide a means for using a wireless device to select a message from a mailbox content list as claimed by the Applicant.

Regarding item b), Cloutier teaches: “The message recipient may then **remotely retrieve the message** by establishing communications with the enhanced messaging system either by telephone or **other communication media...**” (col. 2, lines 41-45). Although the teachings of Cloutier fail to expressly teach “other communication media” being the wireless device, Stein teaches a method for interacting with messages using a wireless device, Stein col. 3, lines 8-39. Given the teachings of Stein, it would have been obvious to a person of ordinary skill in the art at the time of the present invention to modify the teachings of Cloutier with Stein to have the wireless device belong to the group of “other communication media” for the purpose of receiving the selected message on the wireless device.

Regarding item c), as mentioned previously, in col. 3, lines 24-32, Stein teaches: “As a method for **interacting with electronic mail messages on a mobile device**, the **mobile device being able to connect to a remote mail server through a wireless data network...**”. Although not expressly taught in Cloutier, given the teachings of Stein

it would have also been obvious to modify the teachings of Cloutier to receive the selected messages over a wireless network.

5. Accordingly the references supplied by the examiner in the previous office action cover the claimed limitations. Applicant's arguments with respect to claims 1-24 are moot in view of the new ground(s) of rejection. Applicant is requested to review the prior art of record for further consideration.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4-7, 9-14, 16-20, 22-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Stein et al (hereinafter Stein), U.S. Patent 6,289,212 (supplied by Applicant).

8. In considering claims 1, 7, 14, and 19, Cloutier teaches a method and system for utilizing a push model to provide access to messages in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network, the method comprising the steps of:

- a) Automatically receiving a message alert from a server 120 through a wireless network and viewing the alert on a wireless device 170, (col. 2, lines 30-41, Fig. 1);
- b) Forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user, (col. 2, lines 41-45).

Although the method of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

- c) The message alert being a mailbox content list; selecting a message with the wireless device; and receiving the message over a wireless network.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- c) Receiving a mailbox content list from a server over a wireless network; scrolling through the mailbox content list with a wireless device; and selecting a message with the wireless device, (col. 3, lines 8-39).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show the message alert being a mailbox content list that a user could scroll through on a wireless device in order to select a message to be received over the wireless network. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server, Stein, col. 3, lines 24-32.

9. In considering claims 2, 9, and 20, Cloutier teaches a new message notification. See col. 2, lines 30-41.

10. In considering claims 4, 16, and 22, Cloutier teaches viewing the alert without accessing the wireless network. See col. 2, lines 30-41.

11. In considering claims 5, 17, and 23, Cloutier further teaches the user issuing a command using the wireless device. See col. 6, lines 50-54.

12. In considering claims 6, 18, and 24, Cloutier further teaches the server playing the message according to a command given by the user. See col. 6, lines 54-61.

13. In considering claim 10, the system of Cloutier provides a means for viewing a new message notification and an updated content list by a user with the wireless device. See col. 2, lines 30-41.

14. In considering claim 11, although the system of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

a) Scrolling through a mailbox content list.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- a) Scrolling through a mailbox content list with a wireless device, (col. 3, lines 24-39).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show scrolling through an updated mailbox content list with the wireless device. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server along with the new message, Stein, col. 3, lines 24-32.

15. In considering claim 12, Cloutier further teaches a user selecting a message by issuing a command to the server. See col. 6, lines 50-54.

16. In considering claim 13, Cloutier further teaches the server delivering the message selected by the user and the message being played for the user by the wireless device. See col. 6, lines 54-61.

17. Claims 3, 8, 15, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Stein, and further in view of the Applicants Admitted Prior Art (AAPA).

18. In considering claims 3, 8, 15, and 21, although the combined methods of Cloutier and Stein show substantial features of the claimed invention, they fail to expressly disclose the wireless network having a low data-bandwidth, and a high-data latency.

Nevertheless, it was well known in the art at the time of the present invention for wireless networks to have a low data-bandwidth, and a high-data latency. This was admitted by the applicant in the specification on page 1, line 33, and page 2, lines 1-5.

Thus given the teachings of the AAPA it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier and Stein to show the wireless network having a low data-bandwidth, and a high-data latency. This would have shown that the methods of Cloutier and Stein work in networks that were well known at the time of the present invention such as wireless networks with low data-bandwidth, and high-data latency.

### **Conclusion**

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
1/24/05



ZARNI MAUNG  
PRIMARY PATENT EXAMINER



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



APPLICATION NO.	DATE RECEIVED	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,747	04/25/2001	Louis Bouchard	AVALUC-01800	7367
28960	7590	01/27/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			PHILLIPS, HASSAN A	
		ART UNIT	PAPER NUMBER	
		2151		

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
JAN 28 2005



## Office Action Summary

Application No.

09/842,747

Applicant(s)

BOUCHARD, LOUIS

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 25 October 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/1/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to amendments filed on October 25, 2004.

### ***Specification***

2. After consideration of the amendments made to the specification to include double spaced lines, the Examiner has withdrawn the objection to the specification.

### ***Claim Rejections - 35 USC § 112***

3. After consideration of the amendments made to claims 5, 10-13, 17, and 24 to correct antecedent basis issues, the Examiner has withdrawn the rejections of the claims under 35 USC 112.

### ***Response to Arguments***

4. Applicant's arguments filed October 25, 2004 have been fully considered but they are not persuasive. Applicant argued that Cloutier and Stein do not teach:
  - a) Using a wireless device to select a message from a mailbox content list;
  - b) Receiving the selected message on the wireless device.
  - c) Receiving the selected message over a wireless network.

Examiner respectfully submits that Applicant has misinterpreted the prior art of record.

Regarding item a), in col. 3, lines 24-32, Stein teaches: "As a method for **interacting with electronic mail messages on a mobile device**, the mobile device being able to connect to a remote mail server through a wireless data network, an embodiment of the invention includes: ...**selecting one of the entries** of the electronic mail list being displayed on the display screen of the mobile device..." Thus, it is clear that the teachings of Stein provide a means for using a wireless device to select a message from a mailbox content list as claimed by the Applicant.

Regarding item b), Cloutier teaches: "The message recipient may then **remotely retrieve the message** by establishing communications with the enhanced messaging system either by telephone or **other communication media...**" (col. 2, lines 41-45). Although the teachings of Cloutier fail to expressly teach "other communication media" being the wireless device, Stein teaches a method for interacting with messages using a wireless device, Stein col. 3, lines 8-39. Given the teachings of Stein, it would have been obvious to a person of ordinary skill in the art at the time of the present invention to modify the teachings of Cloutier with Stein to have the wireless device belong to the group of "other communication media" for the purpose of receiving the selected message on the wireless device.

Regarding item c), as mentioned previously, in col. 3, lines 24-32, Stein teaches: "As a method for **interacting with electronic mail messages on a mobile device**, the **mobile device being able to connect to a remote mail server through a wireless data network...**". Although not expressly taught in Cloutier, given the teachings of Stein

it would have also been obvious to modify the teachings of Cloutier to receive the selected messages over a wireless network.

5. Accordingly the references supplied by the examiner in the previous office action cover the claimed limitations. Applicant's arguments with respect to claims 1-24 are moot in view of the new ground(s) of rejection. Applicant is requested to review the prior art of record for further consideration.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 2, 4-7, 9-14, 16-20, 22-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Stein et al (hereinafter Stein), U.S. Patent 6,289,212 (supplied by Applicant).

8. In considering claims 1, 7, 14, and 19, Cloutier teaches a method and system for utilizing a push model to provide access to messages in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network, the method comprising the steps of:

- a) Automatically receiving a message alert from a server 120 through a wireless network and viewing the alert on a wireless device 170, (col. 2, lines 30-41, Fig. 1);
- b) Forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user, (col. 2, lines 41-45).

Although the method of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

- c) The message alert being a mailbox content list; selecting a message with the wireless device; and receiving the message over a wireless network.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- c) Receiving a mailbox content list from a server over a wireless network; scrolling through the mailbox content list with a wireless device; and selecting a message with the wireless device, (col. 3, lines 8-39).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show the message alert being a mailbox content list that a user could scroll through on a wireless device in order to select a message to be received over the wireless network. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server, Stein, col. 3, lines 24-

9. In considering claims 2, 9, and 20, Cloutier teaches a new message notification. See col. 2, lines 30-41.

10. In considering claims 4, 16, and 22, Cloutier teaches viewing the alert without accessing the wireless network. See col. 2, lines 30-41.

11. In considering claims 5, 17, and 23, Cloutier further teaches the user issuing a command using the wireless device. See col. 6, lines 50-54.

12. In considering claims 6, 18, and 24, Cloutier further teaches the server playing the message according to a command given by the user. See col. 6, lines 54-61.

13. In considering claim 10, the system of Cloutier provides a means for viewing a new message notification and an updated content list by a user with the wireless device. See col. 2, lines 30-41.

14. In considering claim 11, although the system of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

a) Scrolling through a mailbox content list.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- a) Scrolling through a mailbox content list with a wireless device, (col. 3, lines 24-39).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show scrolling through an updated mailbox content list with the wireless device. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server along with the new message, Stein, col. 3, lines 24-32.

15. In considering claim 12, Cloutier further teaches a user selecting a message by issuing a command to the server. See col. 6, lines 50-54.

16. In considering claim 13, Cloutier further teaches the server delivering the message selected by the user and the message being played for the user by the wireless device. See col. 6, lines 54-61.

17. Claims 3, 8, 15, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Stein, and further in view of the Applicants Admitted Prior Art (AAPA).

18. In considering claims 3, 8, 15, and 21, although the combined methods of Cloutier and Stein show substantial features of the claimed invention, they fail to expressly disclose the wireless network having a low data-bandwidth, and a high-data latency.

Nevertheless, it was well known in the art at the time of the present invention for wireless networks to have a low data-bandwidth, and a high-data latency. This was admitted by the applicant in the specification on page 1, line 33, and page 2, lines 1-5.

Thus given the teachings of the AAPA it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier and Stein to show the wireless network having a low data-bandwidth, and a high-data latency. This would have shown that the methods of Cloutier and Stein work in networks that were well known at the time of the present invention such as wireless networks with low data-bandwidth, and high-data latency.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
1/24/05



ZARNI MAUNG  
PRIMARY PATENT EXAMINER



## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

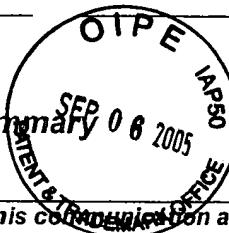


APPLICATION NO.	FILED	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,747	04/25/2001	Louis Bouchard	AVALUC-01800	7367
28960	7590	01/27/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			PHILLIPS, HASSAN A	
		ART UNIT	PAPER NUMBER	
		2151		

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
JAN 28 2005

**Office Action Summary**

Application No.

09/842,747

Applicant(s)

BOUCHARD, LOUIS

Examiner

Hassan Phillips

Art Unit

2151

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 October 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/1/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to amendments filed on October 25, 2004.

### ***Specification***

2. After consideration of the amendments made to the specification to include double spaced lines, the Examiner has withdrawn the objection to the specification.

### ***Claim Rejections - 35 USC § 112***

3. After consideration of the amendments made to claims 5, 10-13, 17, and 24 to correct antecedent basis issues, the Examiner has withdrawn the rejections of the claims under 35 USC 112.

### ***Response to Arguments***

4. Applicant's arguments filed October 25, 2004 have been fully considered but they are not persuasive. Applicant argued that Cloutier and Stein do not teach:
  - a) Using a wireless device to select a message from a mailbox content list;
  - b) Receiving the selected message on the wireless device.
  - c) Receiving the selected message over a wireless network.

Examiner respectfully submits that Applicant has misinterpreted the prior art of record.

Regarding item a), in col. 3, lines 24-32, Stein teaches: "As a method for **interacting with electronic mail messages on a mobile device**, the mobile device being able to connect to a remote mail server through a wireless data network, an embodiment of the invention includes: ...**selecting one of the entries** of the electronic mail list being displayed on the display screen of the mobile device..." Thus, it is clear that the teachings of Stein provide a means for using a wireless device to select a message from a mailbox content list as claimed by the Applicant.

Regarding item b), Cloutier teaches: "The message recipient may then **remotely retrieve the message** by establishing communications with the enhanced messaging system either by telephone or **other communication media...**" (col. 2, lines 41-45). Although the teachings of Cloutier fail to expressly teach "other communication media" being the wireless device, Stein teaches a method for interacting with messages using a wireless device, Stein col. 3, lines 8-39. Given the teachings of Stein, it would have been obvious to a person of ordinary skill in the art at the time of the present invention to modify the teachings of Cloutier with Stein to have the wireless device belong to the group of "other communication media" for the purpose of receiving the selected message on the wireless device.

Regarding item c), as mentioned previously, in col. 3, lines 24-32, Stein teaches: "As a method for **interacting with electronic mail messages on a mobile device**, the **mobile device being able to connect to a remote mail server through a wireless data network...**". Although not expressly taught in Cloutier, given the teachings of Stein

it would have also been obvious to modify the teachings of Cloutier to receive the selected messages over a wireless network.

5. Accordingly the references supplied by the examiner in the previous office action cover the claimed limitations. Applicant's arguments with respect to claims 1-24 are moot in view of the new ground(s) of rejection. Applicant is requested to review the prior art of record for further consideration.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 2, 4-7, 9-14, 16-20, 22-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Stein et al (hereinafter Stein), U.S. Patent 6,289,212 (supplied by Applicant).

8. In considering claims 1, 7, 14, and 19, Cloutier teaches a method and system for utilizing a push model to provide access to messages in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network, the method comprising the steps of:

- a) Automatically receiving a message alert from a server 120 through a wireless network and viewing the alert on a wireless device 170, (col. 2, lines 30-41, Fig. 1);
- b) Forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user, (col. 2, lines 41-45).

Although the method of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

- c) The message alert being a mailbox content list; selecting a message with the wireless device; and receiving the message over a wireless network.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- c) Receiving a mailbox content list from a server over a wireless network; scrolling through the mailbox content list with a wireless device; and selecting a message with the wireless device, (col. 3, lines 8-39).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show the message alert being a mailbox content list that a user could scroll through on a wireless device in order to select a message to be received over the wireless network. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server, Stein, col. 3, lines 24-32.

9. In considering claims 2, 9, and 20, Cloutier teaches a new message notification. See col. 2, lines 30-41.

10. In considering claims 4, 16, and 22, Cloutier teaches viewing the alert without accessing the wireless network. See col. 2, lines 30-41.

11. In considering claims 5, 17, and 23, Cloutier further teaches the user issuing a command using the wireless device. See col. 6, lines 50-54.

12. In considering claims 6, 18, and 24, Cloutier further teaches the server playing the message according to a command given by the user. See col. 6, lines 54-61.

13. In considering claim 10, the system of Cloutier provides a means for viewing a new message notification and an updated content list by a user with the wireless device. See col. 2, lines 30-41.

14. In considering claim 11, although the system of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Scrolling through a mailbox content list.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- a) Scrolling through a mailbox content list with a wireless device, (col. 3, lines 24-39).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show scrolling through an updated mailbox content list with the wireless device. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server along with the new message, Stein, col. 3, lines 24-32.

15. In considering claim 12, Cloutier further teaches a user selecting a message by issuing a command to the server. See col. 6, lines 50-54.

16. In considering claim 13, Cloutier further teaches the server delivering the message selected by the user and the message being played for the user by the wireless device. See col. 6, lines 54-61.

17. Claims 3, 8, 15, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Stein, and further in view of the Applicants Admitted Prior Art (AAPA).

18. In considering claims 3, 8, 15, and 21, although the combined methods of Cloutier and Stein show substantial features of the claimed invention, they fail to expressly disclose the wireless network having a low data-bandwidth, and a high-data latency.

Nevertheless, it was well known in the art at the time of the present invention for wireless networks to have a low data-bandwidth, and a high-data latency. This was admitted by the applicant in the specification on page 1, line 33, and page 2, lines 1-5.

Thus given the teachings of the AAPA it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier and Stein to show the wireless network having a low data-bandwidth, and a high-data latency. This would have shown that the methods of Cloutier and Stein work in networks that were well known at the time of the present invention such as wireless networks with low data-bandwidth, and high-data latency.

#### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

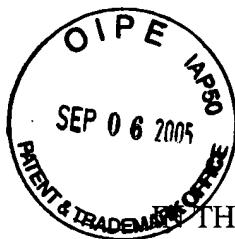
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
1/24/05



ZARNI MAUNG  
PRIMARY PATENT EXAMINER



**PATENT**  
Attorney Docket No.: AVALUC-01800

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

) Group Art Unit: 2151

Louis Bouchard et al.

) Examiner: Phillips, Hassan A

Serial No.: 09/842,747

) **RESPONSE TO FINAL OFFICE**

Filed: April 25, 2001

) **ACTION MAILED**

For: **MAILBOX ACCESS MECHANISM  
OVER LOW-BANDWIDTH, HIGH-  
LATENCY WIRELESS  
NETWORKS**

) **January 27, 2005**

) 162 N. Wolfe Rd.  
Sunnyvale, California 94086

) (408) 530-9700

) Customer No. 28960

---

MS: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of January 27, 2005, please reconsider the above-identified application as follows:

**Remarks/Arguments begin on page 2 of this paper.**

**REMARKS**

Applicants respectfully request further examination and reconsideration in view of the the arguments set forth fully below. Claims 1-24 were previously pending in this application. Within the Office Action, Claims 1-24 have been rejected. Accordingly, Claims 1-24 are currently pending.

**Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,586 issued to Cloutier et al. (hereinafter “Cloutier”) in view of U.S. Patent No. 6,289,212 issued to Stein et al. (hereinafter “Stein”). The Applicants respectfully traverse this rejection.

Within the Office Action, on page 5, items (a) and (b), Cloutier is cited specifically for teaching “a) automatically receiving a message from a server 120 through a wireless network and viewing the alert on a wireless device 170....b) forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user.” (Emphasis added) However, the present claims, specifically claim 7, element c, teach that a wireless device receives an automatically sent updated mailbox content list, the wireless device is then used to select a message from the received mailbox content list, and the selected message is sent to the wireless device, all over a wireless network. Due to the antecedent basis of “the wireless device” in the present claims, it is clear that a single wireless device receives the mailbox content list, selects a message from the received mailbox content list, and also receives the selected message. As quoted above, it is stated within the Office Action that “a wireless device 170” of Cloutier automatically receives a message alert, and that “the wireless device” receives a message and provides the message to the user, thereby indicating that Cloutier teaches the same wireless device receiving the message alert and receiving the message. However, this conclusion is in direct conflict with the teachings of Cloutier.

Cloutier teaches that when a high-priority email arrives on an email server 110, a messaging system server 120 generates and transmits a message alert over a wireless network 180 to a wireless device 170. Each message alert includes a message code corresponding to a specific high-priority email received on the email server 110. The message code is to be subsequently used by the subscriber to access the specific email. However, Cloutier teaches that

the subscriber does not use the wireless device 170 to access the email server 110 and to retrieve the specific email. Instead, Cloutier teaches that the subscriber uses an access device 190 to communicate with the messaging system server 120 to retrieve the specific email (Cloutier, Figure 1; col. 3, lines 22-28; col. 3, line 62 to col. 4, line 3). Cloutier further teaches that the server 120 then provides the specific email corresponding to the message code to the access device 190 (Cloutier, col. 4, lines 26-32). Cloutier does not teach that the specific email is received on the wireless device, where the wireless device is the same wireless device that receives the message alert.

Within the Office Action, on page 5, item (c), Stein is cited for receiving a mailbox content list from a server over a wireless network, scrolling through the mailbox content list with a wireless device, and selecting a message with the wireless device. It is also stated on page 3, last paragraph, of the Office Action that given the teachings of Stein, it would have been obvious to modify the teachings of Cloutier to receive the selected messages over a wireless network. However, even if such a modification is possible, which the Applicants do not believe to be the case, such a proposed combination still relates to modifying the communication network between the access device 190 and the messaging system server 120 of Cloutier to a wireless network. Regardless of the nature of the communication network between the access device 190 and the server 120, the proposed combination of Cloutier and Stein requires a first device (access device 190) for receiving the message, where the first device is necessarily different than a second device (wireless device 170) for receiving the message alert. As such, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives a message alert from a server and also receives a message specified in the message alert from the server.

The independent Claim 1 is directed to a method of utilizing a push model to provide access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The method includes automatically receiving an updated mailbox content list from a server through a wireless network, scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, forming a communication link through the wireless network thereby linking the wireless device and the server, selectively receiving the message, the message received on the wireless device from the server over the communication link, and providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content

list via the server. For at least these reasons, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein.

Claims 2 and 4-6 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein.

Accordingly, Claims 2 and 4-6 are each also allowable as being dependent upon an allowable base claim.

The independent Claim 7 is directed to a system for providing access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The system includes a wireless device, a server, and a wireless network linking the wireless device with the server such that in operation an updated mailbox content list is automatically sent over the wireless network from the server to the wireless device and after being sent by the server a message from the updated mailbox content list received by the wireless device is selected using the wireless device thereby forming a communication link between the wireless device and the server over the wireless network, and the selected message is sent to the wireless device over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein.

Claims 9-13 are each dependent upon the independent Claim 7. As discussed above, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 9-13 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 14 is directed to a method of providing access to a message list in one or more of a voice, a fax, an e-mail or a unified mailbox through a wireless network. The method includes automatically receiving through a wireless network a new message notification and an updated mailbox content list from a server, remotely scrolling through the updated mailbox content list and selecting a message therefrom using a wireless device, forming a communication link between the wireless device and the server, and receiving the message, the message received on the wireless device from the server over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein.

Claims 16-18 are all dependent upon the independent Claim 14. As discussed above, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 16-18 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 19 is directed to a system for providing access to a message list in one or more of a voice, a fax or a unified mailbox through a wireless network. The system includes means for automatically receiving an updated mailbox content list from a server through a wireless network, means for scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, means for forming a communication link through the wireless network thereby linking the wireless device and the server, means for selectively receiving the message, the message received on the wireless device from the server over the communication link, and means for providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein.

Claims 20 and 22-24 are all dependent upon the independent Claim 19. As discussed above, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 20 and 22-24 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 3, 8, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art. The Applicants respectfully traverse this rejection.

Applicants agree that low data-bandwidth and high data latency networks are known in the art. However, the Applicants do not agree that the methods of Claims 1 and 14, and the systems of Claims 7 and 19, including a low data bandwidth, high data latency wireless network, as claimed in dependent Claims 3, 8, 15, and 21, are well known in the art.

Further, Claim 3 is dependent on the independent Claim 1. Claim 8 is dependent on the independent Claim 7. Claim 15 is dependent on the independent Claim 14. Claim 21 is dependent on the independent Claim 19. As discussed above, the independent Claims 1, 7, 14, and 19 are each allowable over Cloutier in view of Stein. As such, the dependent Claims 3, 8, 15, and 21 are each also allowable as being dependent on an allowable base claim.

PATENT  
Attorney Docket No.: AVALUC-01800

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. If the Examiner should have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Thomas B. Haverstock  
Reg. No. 32,571  
Attorneys for Applicants



PATENT  
Attorney Docket No.: AVALUC-01800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Group Art Unit: 2151  
Louis Bouchard et al. ) ) Examiner: Phillips, Hassan A  
Serial No.: 09/842,747 ) ) **RESPONSE TO FINAL OFFICE**  
Filed: April 25, 2001 ) ) **ACTION MAILED**  
For: **MAILBOX ACCESS MECHANISM** ) ) **January 27, 2005**  
**OVER LOW-BANDWIDTH, HIGH-** ) 162 N. Wolfe Rd.  
**LATENCY WIRELESS** ) Sunnyvale, California 94086  
**NETWORKS** ) (408) 530-9700  
Customer No. 28960

---

MS: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of January 27, 2005, please reconsider the above-identified application as follows:

**Remarks/Arguments** begin on page 2 of this paper.

**REMARKS**

Applicants respectfully request further examination and reconsideration in view of the the arguments set forth fully below. Claims 1-24 were previously pending in this application. Within the Office Action, Claims 1-24 have been rejected. Accordingly, Claims 1-24 are currently pending.

**Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,586 issued to Cloutier et al. (hereinafter “Cloutier”) in view of U.S. Patent No. 6,289,212 issued to Stein et al. (hereinafter “Stein”). The Applicants respectfully traverse this rejection.

Within the Office Action, on page 5, items (a) and (b), Cloutier is cited specifically for teaching “a) automatically receiving a message from a server 120 through a wireless network and viewing the alert on a wireless device 170....b) forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user.” (Emphasis added) However, the present claims, specifically claim 7, element c, teach that a wireless device receives an automatically sent updated mailbox content list, the wireless device is then used to select a message from the received mailbox content list, and the selected message is sent to the wireless device, all over a wireless network. Due to the antecedent basis of “the wireless device” in the present claims, it is clear that a single wireless device receives the mailbox content list, selects a message from the received mailbox content list, and also receives the selected message. As quoted above, it is stated within the Office Action that “a wireless device 170” of Cloutier automatically receives a message alert, and that “the wireless device” receives a message and provides the message to the user, thereby indicating that Cloutier teaches the same wireless device receiving the message alert and receiving the message. However, this conclusion is in direct conflict with the teachings of Cloutier.

Cloutier teaches that when a high-priority email arrives on an email server 110, a messaging system server 120 generates and transmits a message alert over a wireless network 180 to a wireless device 170. Each message alert includes a message code corresponding to a specific high-priority email received on the email server 110. The message code is to be subsequently used by the subscriber to access the specific email. However, Cloutier teaches that

the subscriber does not use the wireless device 170 to access the email server 110 and to retrieve the specific email. Instead, Cloutier teaches that the subscriber uses an access device 190 to communicate with the messaging system server 120 to retrieve the specific email (Cloutier, Figure 1; col. 3, lines 22-28; col. 3, line 62 to col. 4, line 3). Cloutier further teaches that the server 120 then provides the specific email corresponding to the message code to the access device 190 (Cloutier, col. 4, lines 26-32). Cloutier does not teach that the specific email is received on the wireless device, where the wireless device is the same wireless device that receives the message alert.

Within the Office Action, on page 5, item (c), Stein is cited for receiving a mailbox content list from a server over a wireless network, scrolling through the mailbox content list with a wireless device, and selecting a message with the wireless device. It is also stated on page 3, last paragraph, of the Office Action that given the teachings of Stein, it would have been obvious to modify the teachings of Cloutier to receive the selected messages over a wireless network. However, even if such a modification is possible, which the Applicants do not believe to be the case, such a proposed combination still relates to modifying the communication network between the access device 190 and the messaging system server 120 of Cloutier to a wireless network. Regardless of the nature of the communication network between the access device 190 and the server 120, the proposed combination of Cloutier and Stein requires a first device (access device 190) for receiving the message, where the first device is necessarily different than a second device (wireless device 170) for receiving the message alert. As such, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives a message alert from a server and also receives a message specified in the message alert from the server.

The independent Claim 1 is directed to a method of utilizing a push model to provide access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The method includes automatically receiving an updated mailbox content list from a server through a wireless network, scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, forming a communication link through the wireless network thereby linking the wireless device and the server, selectively receiving the message, the message received on the wireless device from the server over the communication link, and providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content

list via the server. For at least these reasons, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein.

Claims 2 and 4-6 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein.

Accordingly, Claims 2 and 4-6 are each also allowable as being dependent upon an allowable base claim.

The independent Claim 7 is directed to a system for providing access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The system includes a wireless device, a server, and a wireless network linking the wireless device with the server such that in operation an updated mailbox content list is automatically sent over the wireless network from the server to the wireless device and after being sent by the server a message from the updated mailbox content list received by the wireless device is selected using the wireless device thereby forming a communication link between the wireless device and the server over the wireless network, and the selected message is sent to the wireless device over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein.

Claims 9-13 are each dependent upon the independent Claim 7. As discussed above, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 9-13 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 14 is directed to a method of providing access to a message list in one or more of a voice, a fax, an e-mail or a unified mailbox through a wireless network. The method includes automatically receiving through a wireless network a new message notification and an updated mailbox content list from a server, remotely scrolling through the updated mailbox content list and selecting a message therefrom using a wireless device, forming a communication link between the wireless device and the server, and receiving the message, the message received on the wireless device from the server over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein.

Claims 16-18 are all dependent upon the independent Claim 14. As discussed above, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 16-18 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 19 is directed to a system for providing access to a message list in one or more of a voice, a fax or a unified mailbox through a wireless network. The system includes means for automatically receiving an updated mailbox content list from a server through a wireless network, means for scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, means for forming a communication link through the wireless network thereby linking the wireless device and the server, means for selectively receiving the message, the message received on the wireless device from the server over the communication link, and means for providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein.

Claims 20 and 22-24 are all dependent upon the independent Claim 19. As discussed above, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 20 and 22-24 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 3, 8, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art. The Applicants respectfully traverse this rejection.

Applicants agree that low data-bandwidth and high data latency networks are known in the art. However, the Applicants do not agree that the methods of Claims 1 and 14, and the systems of Claims 7 and 19, including a low data bandwidth, high data latency wireless network, as claimed in dependent Claims 3, 8, 15, and 21, are well known in the art.

Further, Claim 3 is dependent on the independent Claim 1. Claim 8 is dependent on the independent Claim 7. Claim 15 is dependent on the independent Claim 14. Claim 21 is dependent on the independent Claim 19. As discussed above, the independent Claims 1, 7, 14, and 19 are each allowable over Cloutier in view of Stein. As such, the dependent Claims 3, 8, 15, and 21 are each also allowable as being dependent on an allowable base claim.

PATENT  
Attorney Docket No.: AVALUC-01800

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. If the Examiner should have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Thomas B. Haverstock  
Reg. No. 32,571  
Attorneys for Applicants



PATENT  
Attorney Docket No.: AVALUC-01800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

) Group Art Unit: 2151

Louis Bouchard et al.

) Examiner: Phillips, Hassan A

Serial No.: 09/842,747

) **RESPONSE TO FINAL OFFICE**

Filed: April 25, 2001

) **ACTION MAILED**

For: **MAILBOX ACCESS MECHANISM  
OVER LOW-BANDWIDTH, HIGH-  
LATENCY WIRELESS  
NETWORKS**

) **January 27, 2005**

) 162 N. Wolfe Rd.  
Sunnyvale, California 94086

) (408) 530-9700

) Customer No. 28960

---

MS: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of January 27, 2005, please reconsider the above-identified application as follows:

**Remarks/Arguments** begin on page 2 of this paper.

**REMARKS**

Applicants respectfully request further examination and reconsideration in view of the the arguments set forth fully below. Claims 1-24 were previously pending in this application. Within the Office Action, Claims 1-24 have been rejected. Accordingly, Claims 1-24 are currently pending.

**Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,586 issued to Cloutier et al. (hereinafter “Cloutier”) in view of U.S. Patent No. 6,289,212 issued to Stein et al. (hereinafter “Stein”). The Applicants respectfully traverse this rejection.

Within the Office Action, on page 5, items (a) and (b), Cloutier is cited specifically for teaching “a) automatically receiving a message from a server 120 through a wireless network and viewing the alert on a wireless device 170....b) forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user.” (Emphasis added) However, the present claims, specifically claim 7, element c, teach that a wireless device receives an automatically sent updated mailbox content list, the wireless device is then used to select a message from the received mailbox content list, and the selected message is sent to the wireless device, all over a wireless network. Due to the antecedent basis of “the wireless device” in the present claims, it is clear that a single wireless device receives the mailbox content list, selects a message from the received mailbox content list, and also receives the selected message. As quoted above, it is stated within the Office Action that “a wireless device 170” of Cloutier automatically receives a message alert, and that “the wireless device” receives a message and provides the message to the user, thereby indicating that Cloutier teaches the same wireless device receiving the message alert and receiving the message. However, this conclusion is in direct conflict with the teachings of Cloutier.

Cloutier teaches that when a high-priority email arrives on an email server 110, a messaging system server 120 generates and transmits a message alert over a wireless network 180 to a wireless device 170. Each message alert includes a message code corresponding to a specific high-priority email received on the email server 110. The message code is to be subsequently used by the subscriber to access the specific email. However, Cloutier teaches that

the subscriber does not use the wireless device 170 to access the email server 110 and to retrieve the specific email. Instead, Cloutier teaches that the subscriber uses an access device 190 to communicate with the messaging system server 120 to retrieve the specific email (Cloutier, Figure 1; col. 3, lines 22-28; col. 3, line 62 to col. 4, line 3). Cloutier further teaches that the server 120 then provides the specific email corresponding to the message code to the access device 190 (Cloutier, col. 4, lines 26-32). Cloutier does not teach that the specific email is received on the wireless device, where the wireless device is the same wireless device that receives the message alert.

Within the Office Action, on page 5, item (c), Stein is cited for receiving a mailbox content list from a server over a wireless network, scrolling through the mailbox content list with a wireless device, and selecting a message with the wireless device. It is also stated on page 3, last paragraph, of the Office Action that given the teachings of Stein, it would have been obvious to modify the teachings of Cloutier to receive the selected messages over a wireless network. However, even if such a modification is possible, which the Applicants do not believe to be the case, such a proposed combination still relates to modifying the communication network between the access device 190 and the messaging system server 120 of Cloutier to a wireless network. Regardless of the nature of the communication network between the access device 190 and the server 120, the proposed combination of Cloutier and Stein requires a first device (access device 190) for receiving the message, where the first device is necessarily different than a second device (wireless device 170) for receiving the message alert. As such, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives a message alert from a server and also receives a message specified in the message alert from the server.

The independent Claim 1 is directed to a method of utilizing a push model to provide access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The method includes automatically receiving an updated mailbox content list from a server through a wireless network, scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, forming a communication link through the wireless network thereby linking the wireless device and the server, selectively receiving the message, the message received on the wireless device from the server over the communication link, and providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content

list via the server. For at least these reasons, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein.

Claims 2 and 4-6 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein.

Accordingly, Claims 2 and 4-6 are each also allowable as being dependent upon an allowable base claim.

The independent Claim 7 is directed to a system for providing access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The system includes a wireless device, a server, and a wireless network linking the wireless device with the server such that in operation an updated mailbox content list is automatically sent over the wireless network from the server to the wireless device and after being sent by the server a message from the updated mailbox content list received by the wireless device is selected using the wireless device thereby forming a communication link between the wireless device and the server over the wireless network, and the selected message is sent to the wireless device over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein.

Claims 9-13 are each dependent upon the independent Claim 7. As discussed above, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 9-13 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 14 is directed to a method of providing access to a message list in one or more of a voice, a fax, an e-mail or a unified mailbox through a wireless network. The method includes automatically receiving through a wireless network a new message notification and an updated mailbox content list from a server, remotely scrolling through the updated mailbox content list and selecting a message therefrom using a wireless device, forming a communication link between the wireless device and the server, and receiving the message, the message received on the wireless device from the server over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein.

Claims 16-18 are all dependent upon the independent Claim 14. As discussed above, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 16-18 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 19 is directed to a system for providing access to a message list in one or more of a voice, a fax or a unified mailbox through a wireless network. The system includes means for automatically receiving an updated mailbox content list from a server through a wireless network, means for scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, means for forming a communication link through the wireless network thereby linking the wireless device and the server, means for selectively receiving the message, the message received on the wireless device from the server over the communication link, and means for providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein.

Claims 20 and 22-24 are all dependent upon the independent Claim 19. As discussed above, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 20 and 22-24 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 3, 8, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art. The Applicants respectfully traverse this rejection.

Applicants agree that low data-bandwidth and high data latency networks are known in the art. However, the Applicants do not agree that the methods of Claims 1 and 14, and the systems of Claims 7 and 19, including a low data bandwidth, high data latency wireless network, as claimed in dependent Claims 3, 8, 15, and 21, are well known in the art.

Further, Claim 3 is dependent on the independent Claim 1. Claim 8 is dependent on the independent Claim 7. Claim 15 is dependent on the independent Claim 14. Claim 21 is dependent on the independent Claim 19. As discussed above, the independent Claims 1, 7, 14, and 19 are each allowable over Cloutier in view of Stein. As such, the dependent Claims 3, 8, 15, and 21 are each also allowable as being dependent on an allowable base claim.

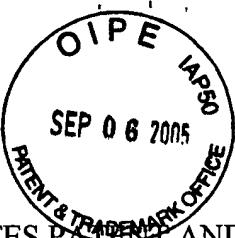
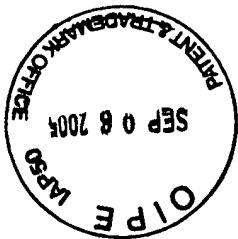
PATENT  
Attorney Docket No.: AVALUC-01800

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. If the Examiner should have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Thomas B. Haverstock  
Reg. No. 32,571  
Attorneys for Applicants



1FW AF/2151

PATENT

Attorney Docket No.: AVALUC-01800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Louis Bouchard et al.

Serial No.: 09/842,747

Filed: April 25, 2001

For: **MAILBOX ACCESS MECHANISM  
OVER LOW-BANDWIDTH, HIGH-  
LATENCY WIRELESS  
NETWORKS**

) Group Art Unit: 2151

) Examiner: Phillips, Hassan A.

**TRANSMITTAL LETTER**

) 162 North Wolfe Road  
Sunnyvale, California 94086  
(408) 530-9700

) Customer Number 28960

MS: Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find an Appeal Brief submitted in triplicate in support of the patent owner's Notice of Appeal filed on June 21, 2005 for filing with the U.S. Patent and Trademark Office. Also attached is U.S. Patent No. 6,535,586 B1, U.S. Patent No. 6,289,212 B1, and a copy of the Office Action dated: January 27, 2005 including a copy of the response filed March 25, 2005.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,

HAVERSTOCK & OWENS LLP

By:   
Thomas B. Haverstock  
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 8-18-05 By: 